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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/979,570

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Marvin A. Frenkel

MAF-10002/22

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10/29/2009

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EXAMINER

AUGUSTIN, EVENS J

ART UNIT

PAPER NUMBER

3621

MAIL DATE

DELIVERY MODE

10/29/2009

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

**Application No.**

09/979,570

**Applicant(s)**

FRENKEL, MARVIN A.

**Examiner**

EVENS J. AUGUSTIN

**Art Unit**

3621

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 26 March 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1, 5, 7 and 10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 5, 7 and 10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SF/88)
- Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Acknowledgement***

1. This is in response to an amendment filed on 09/02/2009. The arguments presented in the current amendment/argument have been found to be persuasive. Therefore, the finality of the office action filed on 06/09/2009 has been withdrawn. Claims 1, 7 and 11-20 are pending have been examined.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. Claims 1, 7 and 11-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cohen et al. (U.S. 6505171) ("Cohen") in view of Dent (U.S. 6311171), and in further view of Fliteroft et al. (U.S. 6636833) ("Fliteroft").
4. As per claims 1, 7 and 11-20 Cohen discloses an invention that relates generally to secure purchases from vendors over a computer network. The invention comprises of the following:
  - A. ("a customer depositing cash with an account seller, the seller being independent of said customer such that the identity of said customer remains anonymous") – Customer depositing or seller receiving cash from a customer (C5, L47-51). In this case, the seller is the distributor of such account;

- B. ("the account seller electronically notifying a central computer server of the amount of cash received from the customer;") –(C9, L9-11);
- C. ("the central computer server transferring an amount of electronic currency corresponding to the amount that the account seller received from the customer from a bank account of the account seller to a central bank having one or more account numbers") – In this case the central account is the same as the distributor's account;
- D. ("the central computer server generating" (C9,L45), storing (C5, L19-20) and issuing to the account seller one or more anonymous"(C5, L45-55) – In the prior art funds are transferred to a temporary account before being sent to the merchant (C12, L9-15) – In essence, the central account is being interpreted as an escrow account;
- E. ("randomly-generated serial numbers corresponding to said one or more account numbers") – (C5, L14-15);
- F. ("the account seller providing the serial number information to the customer;") --(C5, L45-55);
- G. ("the customer submitting at least one serial number to the on-line merchant to purchase goods or services") -- (consumer entering unique card ID, C10, L4);
- H. ("central computer server authenticating said at least one serial number;") –(C11, L20-36);
- I. ("server transferring an amount of said electronic currency corresponding to said at least one serial number to an account of said on-line merchant") – (funds transferred to merchant, C12, L7-14);

- J. ("account seller providing the serial number information to the customer comprises the account seller providing the customer with a computer readable form having said at least one serial number corresponding to the amount of cash deposited therewith disposed thereon") – While it is not requirement, Cohen does not exclude a card with a computer readable medium. Moreover, the prior art by Dent teaches a card with an embedded chip for data input/output (C4, 56-58). Therefore, it would have been obvious for one of ordinary skill in the art to embed the card, as taught in Cohen, with computer readable, as taught in Dent. The advantage such as a combination would have would be to avoid manual input card ID, thereby eliminating data entry errors.
- K. ("account seller is selected from the group consisting of retail stores and banks") -- (account distributor in a retail or wholesale stores, around college campuses, airports, bus terminals, banks, and the like, C5, 45-57);
- L. ("customer deposits an amount of cash with the account seller through an automatic teller machine") – C5, L45-50;
- M. ("step of the account seller providing the serial number information to the customer comprises the account seller providing the customer with a paper having said at least one serial number corresponding to the amount of cash deposited therewith disposed thereon") – Receipt with the unique card ID (C5, L1-3);
- N. ("account seller, the bank account of the account seller, the central computer server and the central bank are interlinked by a secured private computer network") -- (communication between transactional entities takes place over secure lines or

through using any suitable secure technology as is known in the networking industry, C9, L22-24, as well as the internet, C4, L20);

- O. With regard to the aspect of "the serial numbers are used once, discarded by customers thereafter and never used again", Cohen did not explicitly teach that aspect. However, Flitcroft teaches an invention that relates to a credit card system which has the added feature of providing additional limited-use credit card numbers and/or cards. According to Flitcroft, the card can be a "single use" card (C8, L11-23). Therefore, it would have been obvious for one of ordinary skill in the art/science to implement such a dispensable card because it would reduce fraud by having one number per transaction.

### *Conclusion*

5. In determining patentability of an invention over the prior art, the USPTO has considered all claimed limitations, and interpreted as broadly as their terms reasonably allow. Additionally, all words in the claims have been considered in judging the patentability of the claims against the prior art.
6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to EVENS J. AUGUSTIN whose telephone number is 571-272-6860. The examiner can normally be reached on 10am - 6pm M-F.
7. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Fischer can be reached on (571)272-6779.

Art Unit: 3621

/Evens J. Augustin/

Evens J. Augustin

October 29, 2009

Art Unit 3621